

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
EXTRACTION OIL & GAS, INC., et al.,	:	Case No. 20-11548 (CSS)
	:	
Debtors.	:	
<hr style="border: 0.5px solid black;"/>		
FEDERAL ENERGY REGULATORY	:	
COMMISSION,	:	
	:	
Appellant,	:	
	:	
v..	:	C. A. No. 21-12-CFC
	:	
EXTRACTION OIL & GAS, INC.,	:	
	:	
Appellee.	:	

RECOMMENDATION

At Wilmington this **22nd** day of **February, 2021**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

Both Appellant (The “Commission” or “FERC”) and Appellee (the “Debtor”) completely agree that mandatory mediation on this appeal would not be

worthwhile. Overall, the parties feel that mediation efforts would not be productive and do not desire to expend their resources on mediation.

Further, both request that this appeal be consolidated for procedural purposes with Nos. 20-1412, 20-1506 and 20-1564, which would allow for a single briefing schedule with a single set of briefs on each side. Should this Court effect such consolidation, the Debtor proposes the following : the Commission's single opening brief to be due 40 days after the court's order setting the briefing schedule; the Debtor's single responsive brief due in 40 days after service of the Commission's opening brief; and the Commission's single reply brief due 21 days after service of the Debtor's response brief. If this matter is consolidated as noted herein, then the Commission agrees with the briefing schedule proposed by the Debtor.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter] be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections are anticipated to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1, since it is consistent with the request by the parties to this appeal.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge